



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,292	10/24/2003	Simon Hunt	00-625-F	4135
20306 7590 04/28/2009 MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606				
EXAMINER SWEARINGEN, JEFFREY R				
ART UNIT 2445		PAPER NUMBER		
MAIL DATE 04/28/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/693,292

**Applicant(s)**

HUNT ET AL.

**Examiner**

Jeffrey R. Swearingen

**Art Unit**

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 11-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/20/2008 has been entered.

### ***Election/Restrictions***

2. Applicant's election without traverse of claims 1-10 in the reply filed on 2/23/2009 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Halahmi (US 6,684,088).
5. In regard to claim 1, Halahmi disclosed:

*A method for optimizing display of information content on a client device, the method comprising:* column 4, lines 49-60

*receiving at a server a request from the client device for information content;*  
column 5, lines 43-44

*receiving at a server the information content in a first data format from an information source;* column 5, line 58 – column 6, line 9

*determining an efficiency with which the client device can process the information content when the information content is stored in the first data format versus when the information content is stored in a second data format, wherein the first data format does not involve the server applying cascading style sheet pre-processing to the information content, and the second data format involves the server applying cascading style sheet pre-processing to the information content;* column 6, lines 10-18. CSS support is provided in column 11, line 56.

*determining the transmission capabilities of a wireless communication link used to send the information content to the client device;* column 11, line 45

*based on the efficiency with which the client device can process the information content in the first and second data formats, and the transmission capabilities of the wireless communication link, determining whether to transform the information content at the server from the first data format to the second data format; and* column 6, lines 10-43

*sending the information content to the client device in the first data format or the second data format.* Column 6, lines 26-43

6. In regard to claim 2, Halahmi disclosed:

*determining that the wireless communication link has changed and a second wireless communication link is being used to send the information content to the client device; and column 11, line 45*

*using a pre-set transformation mode associated with the second wireless communication link to determining whether to transform the information content at the server from the first data format to the second data format. Column 11, lines 26-45; column 6, lines 1-9*

7. In regard to claim 3, Halahmi disclosed:

*determining whether to send the information content to the client device in the first data format or the second data format comprises determining whether to send the information content to the client device with no content transformations. Column 6, lines 1-9; column 11, lines 26-57*

8. In regard to claim 4, Halahmi disclosed:

*when the wireless communication link allows for high bandwidth communication, sending the information content to the client device in the first data format as received from the information source; and column 11, line 45*

*when the wireless communication link allows for low bandwidth communication, transforming the information content in the first data format or the second data format based on the transmission capabilities. Column 11, lines 26-45*

9. In regard to claim 5, Halahmi disclosed:

*the client device detecting the transmission capabilities of the wireless communication link and switching between receiving the information content in the first data format or the second data format based on the transmission capabilities.* Column 11, lines 26-45

10. In regard to claim 8, Halahmi disclosed:

*determining whether to transform the information content from the first data format to the second data format further comprises considering criteria specified by a user of the client device.* column 11, lines 35-36

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halahmi in view of Nevo et al. (US 6,928,266).

13. In regard to claims 6-7, Halahmi disclosed the Halahmi invention operated over a wireless network using WAP. Halahmi, column 5, lines 23-48. Halahmi failed to disclose the use of the IEEE 802.11b protocol for wireless transmission. Halahmi disclosed the use of the Wireless Access Protocol. Halahmi, column 5, line 41. Nevo disclosed various wireless protocols are used for communication between network devices. These protocols included Home RF, known as the Shared Wireless Access Protocol (SWAP) and the IEEE 802.11b standard. Nevo, column 1, lines 14-31,

background. One of ordinary skill in the art at the time of invention was aware that IEEE 802.11b was a standardized wireless protocol for transmitting data over a wireless network. It would have been obvious to one of ordinary skill in the art at the time of invention to use the 802.11b wireless protocol with Halahmi in order to allow faster data transfer and to allow connection with 802.11b servers.

14. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halahmi in view of Beyda et al. (US 6,275,850).

15. In regard to claims 9-10, Halahmi failed to disclose determining times to transform and transmit the data in order to send the data to the client device. Beyda disclosed a method of determining whether an attachment should be downloaded with an email to a client device. Beyda, column 2, lines 29-41. Beyda took into account the maximum download time of the file when determining whether to transmit the attachment to the client device. Beyda, column 2, lines 51-63, column 7, lines 14-22. It would have been obvious to one of ordinary skill in the art at the time of invention to use time (Beyda, column 7, lines 14-22) as one of the properties to determine how data would be transmitted in Halahmi (column 11, lines 26-57) in order to prevent network congestion and deliver data efficiently to the end user.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. Gelman et al. US 6,415,329

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Donaghue can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey R. Swearingen  
Examiner  
Art Unit 2445

/J. R. S./  
Examiner, Art Unit 2445  
/Larry D Donaghue/

Primary Examiner, Art Unit 2454